

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
S&R DEVELOPMENT ESTATES, LLC and "JOHN
DOE" NOS. 1 THROUGH 75,

Plaintiffs,

- against -

STEVEN BASS, EDDIE MAE BARNES, PAUL
FEINER, DIANA JUETTNER and FRANCIS
SHEEHAN, Constituting the Town Board of the Town of
Greenburgh, Westchester County, New York, STEVEN
BELASCO, MALCOLM BAUMGARTNER, EVE
BUNTING-SMITH, NICHOLAS DECICCO,
LAWRENCE DOYLE, ROHAN HARRISON and
DANIEL ROSENBLUM, Constituting the Zoning Board
of Appeals of the Town of Greenburgh, Westchester
County, New York, MARK STELLATO, Commissioner
of the Department of Community Development and
Conservation of the Town of Greenburgh, TOWN OF
GREENBURGH and JOHN and JANE DOE,

Defendants.

-----X
ELIZABETH GERRITY declares as follows:

1. I am the staff assistant for the Town of Greenburgh's Building Department.
2. This declaration is submitted in support of Defendants' motion to dismiss plaintiffs'

Amended Complaint.

3. My responsibilities in the normal course of business as staff assistant include maintaining the Building Department's files. The Building Department's files are available for inspection by the public during the Department's business hours.

4. The following are true and correct copies of the following documents from the Building Department's files.

**DECLARATION OF
ELIZABETH GERRITY IN
SUPPORT OF DEFENDANTS'
MOTION TO DISMISS THE
AMENDED COMPLAINT**

07 Civ. 11112(WCC)(GAY)
ECF CASE

Exhibit A - Substitute Certificate of Occupancy number 99-795 dated July 1, 1999 regarding property located in the Town of Greenburgh known as "Volume 8 Sheet 37B Block 1692 Lot 14A" and located at 1 Dromore Road.

Exhibit B - plaintiff S&R Development Estates, LLC ("S&R") Application For Plan Examination and Demolition Permit dated October 10, 2006 for One Dromore Road in the Town of Greenburgh.

Exhibit C - Demolition Permit dated December 1, 2006 for demolition work at One Dromore Road.

Exhibit D - Certificate of Completion (Permanent) dated December 15, 2006 regarding demolition work at One Dromore Road.

5. I hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on the 27th
day of February 2008.

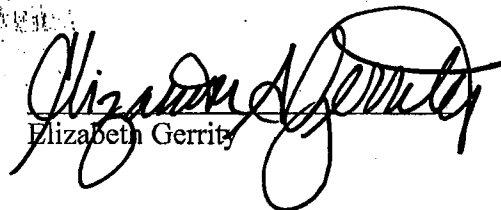

Elizabeth Gerrity

EXHIBIT A



TOWN of GREENBURGH

DEPARTMENT OF BUILDINGS

P.O. Box 205, Elmsford, New York 10523
(914) 993 - 1561

PAUL J FEINER
Supervisor

JOHN LUCIDO
Building Inspector

ANTHONY ZACAROLI
Deputy Building Inspector

SUBSTITUTE CERTIFICATE OF OCCUPANCY

Number : **99- 795**

This is to certify, that inspection of premises and buildings there on, known as

Volume **8** Sheet **37B** Block **1692** Lot **14A**

situated on the **West/s 1 Dromore Road - Cotswold** made by the undersigned,

and permission is hereby granted for usage and occupancy in conformity with the regulations

applicable to **R-20** Building Zone Ordinance of the Town of Greenburgh.

Dated : July 1, 1999

Owner : Lan & Barbara O'Kun

Building Inspector

Inspection Report Date : July 1, 1999

EXHIBIT B

TOWN OF GREENBURGH

DEPARTMENT OF BUILDINGS
177 HILLSIDE AVENUE, GREENBURGH, N.Y. 10607-1409

(914) - 993 - 1561

Receipt No. : 7906

Appl. Fee \$ 50 Check # 3713 Date : 10/10/06

Demo Fee \$ 53 Check # 3712 Date : 10/10/06

Permit No. : 06-18009

Total \$ 103

Approved By John Dumb
(Building Inspector)APPLICATION FOR PLAN EXAMINATION AND DEMOLITION PERMIT
REQUIREMENTS FOR OBTAINING A DEMOLITION PERMIT:

The following items must be submitted in order to obtain a Demolition Permit.

1. Two COMPLETE original Demolition Permit Application Forms, completed neatly and legibly in ink or typewritten and notarized.

2. Three copies of the property survey (signed and sealed).

3. Three sets of demolition drawings/plans.

4. Permit fees.

5. Demolisher/Contractor's certificate of insurance, naming the Town of Greenburgh as additionally insured.

6. A. Proof of Discontinuance of:

Water and Sewer Service (Letter of Verification from Town's Water & Sewer Department) ☒ YES ☐ NOT APPLICABLEElectric Service (Letter of Verification from Con Edison) ☒ YES ☐ NOT APPLICABLEB. Proof of Discontinuance of Underground Storage Tanks, If Applicable ☐ YES ☒ NOT APPLICABLEC. Certification of Asbestos Removal ☒ YES Certification of Absence of Asbestos ☐ YES
☐ NOT APPLICABLE

TO THE BUILDING INSPECTOR: **IMPORTANT** APPLICANT MUST COMPLETE ALL ITEMS

The undersigned hereby makes application for a permit to perform the work shown on the drawings accompanying this application and described herein. This application will be abandoned six (6) months from this date unless before then a permit shall have been issued.

PLEASE PRINT CLEARLY:

YEAR BUILT: 1916

Location: No. 1 Street Dromore Road Post Office Scarsdale Zip 10533

Vol. 8 Sheet 37B Block 1692 Lot(s) 14A, 70A, 70B and 70C Rick Tracy

Owner SIR Development Address 600 Main Street, Ste. 400 Phone # 914 468-0824
Harrison, NY 10528

Lessee (if any) N/A Address N/A Phone # N/A

TYPE OF DEMOLITION: ☒ Whole Bldg.☐ Partial, Please SpecifyUSE OF BUILDING: ☒ One Family☐ Two or more Families

Enter No. of Units

☐ Garage
☐ Carports
☐ Store, Mercantile
☐ Office☐ Industrial
☐ Parking Garage
☐ Service Station, Repair Garage
☐ Other

Code

Classification

PRINCIPAL TYPE OF FRAME

☐ Masonry
☒ Wood Frame
☐ Structural Steel
☐ Reinforced Concrete
☐ Other/Specify

PRINCIPAL TYPE OF HEAT/FUEL & SYSTEM

☐ Gas
☒ Oil
☐ Electricity
☐ Coal
☐ Other/Specify☐ Hot Water
☐ Radiant
☐ Warm Air
☒ Steam

RESIDENTIAL BLDG. ONLY

Number of Bedrooms: 4

Number of Bathrooms:

Full 2

Partial 1

TYPE OF SEWAGE DISPOSAL

☒ Public or...
☐ Private Co. (septic tank, etc.)

TYPE OF FOUNDATION

☒ Masonry
☐ Reinforced concrete
☐ Other/Specify

TYPE OF ROOF FRAMING

☐ Bar Joist
☐ Truss
☒ Other/Specify wood beams

FIRE SPRINKLER SYSTEM

☐ Yes
☒ No

Method of Demolition: Mechanical Demolition

IDENTIFICATION : (To be completed by all applicants)

Name of Responsible Person Who will supervise the demolition? John Meyer Consulting - Attn: Bob Roth

Please Print Clearly

Certified Asbestos Removal Company's Name: Even Air, Inc. - Sten Evenhage
Please Print Both the Company's Name and the President's Name Clearly!Address: 10-59 Jackson Ave., LLC NY 11101Telephone Number: 718-947-1400N.Y.S. License Number: 04-0013Signature: [Signature]Contractor's/Demolisher's Name: T.M. Wrecking Inc / Steven Palmiotto
Note: If a Corporation, Please Print Both the Company's Name and the President's Name ClearlyAddress: 277 E. Third St. Mount Vernon, NY 10553Telephone Number: 914 668-1824 Number of Employees: 8Signature: [Signature]Compensation Policy Number: W-1399702-8 Expiration Date: 9/15/07Public Liability Number: CLS1290970 Amount: \$1,000,000 Expiration Date: 7/9/07Name of Assured: LoVullo Associates.Name of Insurance Company: Scottsdale Insurance Co.Affidavit of Ownership

STATE OF NEW YORK

COUNTY OF WESTCHESTER

ss:

Richard Troy

(Print Name) (owner, agent, builder, contractor, corporate office) being duly sworn, deposed and says: that

St R Development Estates, LLC is the owner in fee of the premises to which this application applies; that he/she (the applicant) is duly authorized to make this application; and that the statements contained here are true to the best of his/her knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith, and in accordance with all applicable laws, ordinances and regulations.

(Note: The filing of this application does not constitute a permit to commence construction)

[Signature]
Signature of ApplicantSt R Development Estates, LLCBy: [Signature] Managing Member
Signature of OwnerNANCY RENDA
Notary Public - State of New York
No. 01RE6153121
Qualified in Westchester County
Commission Expires: 9/25/2010

Sworn To Before Me This

27th Day of September 2006[Signature]
Notary Public, Westchester County

NOTE:

If applicant is not owner of premises, signature (or written permission) of owner must be affixed to this application.

EXHIBIT C

Application Number 06-00018009 Date 12/01/06
Pin number 370218
Property Address 1 DROMORE RD
Location ID 9272
Landkey Description 31-37B-1692- -14A
Tenant nbr, name S & R DEVELOPMENT
Application description DEMOLITION SINGLE FAMILY
Property Use
Property Zoning R-20 ONE FAM RES DIST
Application valuation 0

Owner	Contractor
S & R DEVELOPMENT ESTATES INC	TMI WRECKING INC
600 MAMARONECK AVE	STEVEN PALMIOTTO
SUITE 400	277 E THIRD ST
HARRISON NY 10528	MT. VERNON, NY 10553
	(914) 668-1824
Other struct info	NUMBER OF UNITS 1.00

Permit DEMOLITION PERMIT
Additional desc
Permit Fee 53.00
Issue Date 12/01/06 Valuation 0

Special Notes and Comments:
CC: TOWN CLERK
MECHANICAL DEMOLITION OF SINGLE-FAMILY
RESIDENCE
INSPECTOR ASSIGNED: BOB DAM ***993-1567***

Other Fees BUILDING APPLICATION FEE 50.00

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	53.00	53.00	.00	.00
Other Fee Total	50.00	50.00	.00	.00
Grand Total	103.00	103.00	.00	.00

John Lucib
Town Building Inspector

EXHIBIT D



TOWN of GREENBURGH
DEPARTMENT OF BUILDINGS
177 Hillside Avenue, Greenburgh, New York 10607

COPY

CERTIFICATE OF COMPLETION

PERMANENT

Issue Date 12/15/06
Parcel Number 31 -37B-1692- -14A
Property Address 1 DROMORE RD
HARTSDALE NY 10530
Subdivision Name UNKNOWN
Legal Description 000020555433
Property Zoning R-20 ONE FAM RES DIST
Owner S & R DEVELOPMENT ESTATES INC
Contractor TMI WRECKING INC
914 668-1824
Application number 06-00018009 000 000
Description of Work DEMOLITION SINGLE FAMILY
Construction type NOT APPLICABLE
Occupancy type
Flood Zone
Special conditions MECHANICAL DEMOLITION OF SINGLE-FAMILY
RESIDENCE

Approved John Jacob
Building Official

VOID UNLESS SIGNED BY BUILDING OFFICIAL

AFFIDAVIT OF SERVICE VIA FEDERAL EXPRESS

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

RYAN NEW, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at NEW YORK, NEW YORK.

That on the 29th day of February, 2008, deponent served the within **DECLARATION OF ELIZABETH GERRITY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT** upon:

John A. Risi, Esq. (JR 6475)
BLEAKLEY PLATT & SCHMIDT
One North Lexington Avenue
P.O. Box 5056
White Plains, New York 10602-5056

attorneys in this action, at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed Federal Express overnight mail wrapper, under the exclusive care and custody of Federal Express.



Ryan New

Sworn to before me this
29th day of February, 2008



Notary

CHRISTOPHER FRETTEL
NOTARY PUBLIC, State of New York
No. 02FR6123499
Qualified in New York County
Commission Expires March 7, 2009